

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

80 Civ. 0336 (JGLC)

NEW YORK STATE DEPARTMENT
OF CIVIL SERVICE, et al.,

Defendants.

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VULCAN SOCIETY OF WESTCHESTER
COUNTY, INC.,

Plaintiff,

- against -

78 Civ. 911 (JGLC)

FIRE DEPARTMENT OF THE CITY OF
WHITE PLAINS, et al.,

Defendants.

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**~~[PROPOSED]~~ ORDER APPROVING EXTENSION
OF YONKERS FIRE LIEUTENANT PROMOTION LIST**

WHEREAS, on January 17, 1980, plaintiff United States of America (the “Government”) commenced an action against the New York State Department of Civil Service and four municipalities in Westchester County, including defendants City of Yonkers and the Yonkers Municipal Civil Service Commission (the “Yonkers Defendants”), alleging, among other things,

that the Yonkers Defendants and the other defendants were engaging in acts and practices that discriminated on the basis of race, color, sex, and national origin with respect to the employment of firefighters, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*;

WHEREAS, on August 13, 1981, the District Court entered a consent decree to resolve the Government's complaint against the Yonkers Defendants (the "Consent Decree");

WHEREAS, the stated purpose of the Consent Decree is "to assure that Blacks, Hispanics and women by reason of their race, national original or sex are not disadvantaged by the employment practices within the Yonkers Fire Department, and that any disadvantage to Blacks, Hispanics or women which may have resulted from past unlawful employment discrimination is remedied" under the Consent Decree "so that equal employment opportunity will be provided for all" (Consent Decree at 4-5);

WHEREAS, the stated purpose of the Consent Decree is to ensure that "the Yonkers Defendants shall undertake in good faith to make promotions to the ranks of fire officers in the Yonkers Fire Department so as to achieve as soon as possible the goal of a fire officer corps which reflects the proportion of Minorities and women among the entry level firefighters in the Yonkers Fire Department" (Consent Decree ¶ VI.B);

WHEREAS, the Consent Decree provides that the Yonkers Defendants shall use each eligible list for promotion to higher officer ranks for two years, unless the United States agrees otherwise in writing (Consent Decree ¶ IV.D);

WHEREAS, the current eligible list for the appointment of Fire Lieutenants (72-894) established on Feb. 9, 2024 (the "Lieutenant Eligible List") is set to expire two years later, on Feb. 8, 2026;

WHEREAS, because the requirement that the Yonkers Defendants obtain consent to extend the eligible list for promotion of Fire Lieutenants is also set forth in the companion consent decree entered into between the Yonkers Defendants and plaintiff the Vulcan Society of Westchester County (the “Vulcan Society”) in the action captioned *Vulcan Society of Westchester County et al. v. Fire Department of the City of White Plains et al.*, 78 Civ. 911 (JPO) (the “Vulcan Society Consent Decree”), the consent of both the United States and the Vulcan Society is necessary before the Yonkers Defendants may extend a promotional list;

WHEREAS, the Vulcan Society, the United States, and the Yonkers Defendants have consented to extending the Lieutenant Eligible List to February 8, 2028; and

WHEREAS, the parties desire to fully resolve the matter in dispute without the expense, time, and uncertainty of litigation by agreement pursuant to the provisions of this Stipulation and Order;

NOW, THEREFORE, IT IS STIPULATED AND AGREED as follows:


1. The Yonkers Defendants shall promote Lieutenants in accordance with the terms of this Stipulation and Order.
2. The term of the Lieutenant Eligible List (72-894) shall be extended to February 8, 2028.
3. Nothing in this Stipulation and Order shall be construed to relieve the Yonkers Defendants of any of their obligations under the Consent Decree or the Vulcan Society Consent

Decree.

Dated: New York, New York
April 18, 2025

Actual
MATTHEW PODOLSKY
United States Attorney for the
Southern District of New York
Attorney for the United States

By:



DAVID J. KENNEDY
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
(212) 637-2733 (telephone)
David.kennedy2@usdoj.gov

Dated: Birmingham, AL
April 18, 2025


Attorney for Yonkers Defendants

By: s/ Raymond P. Fitzpatrick, Jr.
RAYMOND P. FITZPATRICK, JR.
rpf@rfitzpatricklaw.com
1200 Corporate Drive, Suite 105
Birmingham, Alabama 35242
(205) 437-8846 (telephone)
rpf@rfitzpatricklaw.com

Dated: New York, NY
April 21, 2025

LEVY RATNER
Attorneys for the Vulcan Society
of Westchester County, Inc.

By:



DANA E. LOSSIA
80 Eighth Avenue, 8th Floor
New York, NY 10011
dlossia@levyratner.com

LETITIA JAMES
Attorney General
State of New York

By: Elizabeth A. Figueira 4/18/25
Elizabeth A. Figueira
Assistant Attorney General
78 Liberty Street
New York, NY 10005
Elizabeth.figueira@ag.ny.gov

SO ORDERED:

Jessica Clarke
HON. JESSICA G.L. CLARKE, U.S.D.J.

Dated: May 1, 2025
New York, New York